



City of NORFOLK

C: Dir., Department of Planning and Community Development

To the Honorable Council
City of Norfolk, Virginia

May 13, 2014

From: George M. Homewood, AICP CFM, Planning Director

Subject: **Special Exception to operate an establishment for the Sale of Alcoholic Beverages for Off-Premises Consumption – Tidewater Seafood**

Reviewed:

Ward/Superward: 2/6

Ronald H. Williams, Jr., Assistant City
Manager

Approved:

Marcus D. Jones, City Manager

Item Number:

R-5

I. **Staff Recommendation:** Approval.

II. **Commission Action:** By a vote of **5 to 0**, the Planning Commission recommends **Approval**.

III. **Request:** To allow Tidewater Seafood to operate a retail seafood establishment including the sale of alcoholic beverages off-premises which serves alcoholic beverages to its customers.

IV. **Applicant:** **Tidewater Seafood** by Jon Williams – 7483 Tidewater Drive

V. **Description**

The site is zoned C-2 (Corridor Commercial) which permits the Sale of Alcoholic Beverages for Off-Premises Consumption by Special Exception.

	Proposed
Hours for the Sale of Alcoholic Beverages for Off-Premise Consumption	8:00 a.m. until 6:00 p.m., 7 Days a week

VI. Staff point of contact Susan Pollock at 664-4765, susan.pollock@norfolk.gov

Attachments:


- Staff Report to CPC dated April 24, 2014 with attachments
- Proponents and Opponents
- Ordinance



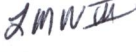
City of NORFOLK

To the City Planning Commission
City of Norfolk, Virginia

April 24, 2014

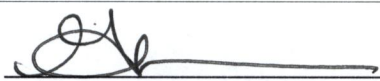
From: Susan Pollock, 
Principal Planner

Subject: Special Exception for the
Sale of Alcoholic Beverages for Off-
Premises Consumption at 7483
Tidewater Drive – Tidewater
Seafood

Reviewed: Leonard M. Newcomb III, 
Land Use Services Manager

Ward/Superward: 2/6

Approved:



George M. Homewood, AICP, CFM
Planning Director

Item Number:

C-3

- I. **Recommendation:** Staff recommends approval, considering compliance with *Zoning Ordinance* requirements and consistency with approved plans.
- II. **Applicant:** Jon Williams
7483 Tidewater Drive
- III. **Description:**
This request would allow Tidewater Seafood to sell beer and wine to customers to take with them.
- IV. **Analysis**
The site is located on the west side of Tidewater Drive just north of its intersection with Interstate 64.

Plan Analysis

The proposed Special Exception is consistent with *plaNorfolk2030*, which designates this site as Commercial.

Zoning Analysis

The site is zoned C-2 which permits the sale of alcoholic beverages for off-premises consumption by Special Exception.

	Proposed
Hours for the Sale of Alcoholic Beverages for Off-Premise Consumption	8:00 a.m. until 6:00 p.m., 7 Days a week

Traffic Analysis

- Institute of Transportation Engineers (ITE) figures estimate that this use will generate 234 fewer vehicle trips per day.
 - Based upon ITE data, the prior restaurant use on this site would be expected to generate 338 weekday trips while the proposed new retail use would be expected to generate 104 trips on weekdays.

V. Financial Impact

- The property owner is current on all taxes.

VI. Environmental

- The site is located on a portion of Tidewater Drive that is developed with a mix of commercial uses.
- At the request of the Department of Public works, the driveway on Tidewater Drive closest to its intersection with Stanley Drive will be closed.
- The proposed use should not have an adverse impact on the surrounding uses.

VII. Community Outreach/Notification

- Legal notice was posted on the property on February 18.
- Letter was sent to the Cottage Park Civic League and on March 5.
- Letters were mailed to all property owners within 300 feet of the property on March 12.
- Notice was sent to the civic leagues by the Department of Communications on March 12.
- Legal notification was placed in *The Virginian-Pilot* on March 13 and 20.

VIII. Coordination/Outreach

This report has been coordinated with the Department of Planning and Community Development, the Department of Public Works and the City Attorney's Office.

Supporting Material from the Department of Planning and Community Development:

- Proposed Conditions
- Location Map
- Zoning Map
- 1000' Radii Map of Establishments with Special Exceptions for ABC Off-Premise
- Application
- Letter to the Cottage Road Civic League

Proponents and Opponents

Proponents

Jon Williams
132 Herman Melville Boulevard
New Bedford, MA 02704

Opponents

None

Form and Correctness Approved: 

By 
Office of the City Attorney

Contents Approved: 

By 
DEPT.

NORFOLK, VIRGINIA

ORDINANCE No.

AN ORDINANCE GRANTING A SPECIAL EXCEPTION TO TIDEWATER SEAFOOD, LLC AUTHORIZING THE SALE OF ALCOHOLIC BEVERAGES FOR OFF-PREMISES CONSUMPTION AT AN ESTABLISHMENT KNOWN AS "TIDEWATER SEAFOOD" ON PROPERTY LOCATED AT 7483 TIDEWATER DRIVE.

- - -

BE IT ORDAINED by the Council of the City of Norfolk:

Section 1:- That a Special Exception is hereby granted to Tidewater Seafood, LLC authorizing the sale of beer and wine for off-premises consumption at an establishment known as "Tidewater Seafood" on property located at 7483 Tidewater Drive. The property which is the subject of this Special Exception is more fully described as follows:

Property located on the southwest corner of Tidewater Drive and Stanley Street fronting 125 feet, more or less, along the western line of Tidewater Drive and 113 feet, more or less, along the southern line of Stanley Street; premises numbered 7483 Tidewater Drive.

Section 2:- That the Special Exception granted hereby shall be subject to the following conditions:

- (a) The hours for the sale of alcoholic beverages for off-premises consumption shall be from 8:00 a.m. until 6:00 p.m., seven days per week.
- (b) This special exception shall terminate in the event of a change in ownership of the facility and may be revoked in the event of a change in the operation of the facility as described in the Description of Operations set forth in "Exhibit A," attached hereto, provided that no termination in the event of a change in ownership of the facility shall be effective until 120 days after the change or until a new special exception is granted showing the new owner, whichever is earlier.

- (c) No alcoholic beverages other than those defined by state law as "beer," "wine," "wine cooler," or "low alcohol beverage cooler," shall be sold.
- (d) No alcoholic beverage having more than 21% alcohol by volume shall be sold.
- (e) No beer shall be sold in any package containing fewer than six (6) bottles or cans and no wine shall be sold in containers less than 375 ml each.
- (f) The facility shall maintain a current, active business license at all times while in operation.
- (g) The business authorized by this Special Exception shall be conducted in accordance with the Description of Operations set forth in "Exhibit A," and labeled, "Off-Premise Sale of Alcoholic Beverage" attached hereto. The representations made in "Exhibit A" shall be binding upon all owners, operators and managers who operate and/or manage the premises covered by this Special Exception. Should any owner, operator or manager desire to operate the business in a manner different than as represented in "Exhibit A," a new Special Exception must be obtained prior to any such change. Where any limitation or representation contained in "Exhibit A" is inconsistent with any condition of this ordinance, the conditions of this ordinance shall govern.
- (h) The violation of any requirement, limitation, or restriction imposed by the Virginia ABC Commission shall be deemed a violation of this Special Exception. This Special Exception may be revoked for any violation of a general or specific condition, including a condition incorporated by reference and including a condition arising from requirements, limitations, or restrictions imposed by the ABC Commission or by Virginia law.
- (i) A copy of this Special Exception ordinance and "Exhibit A" shall be available on site at all times for inspection, and a notice indicating that this Special Exception ordinance and all amendments are kept on the premises and are available for review

by any member of the general public shall be posted in a visible location. The notice shall also contain information on where and how to report violations of conditions and shall include the address of the zoning administrator.

- (j) At all times, all temporary window signage must comply with the applicable regulations of Chapter 16 of the Zoning Ordinance of the City of Norfolk, 1992 (as amended), entitled "Signs."
- (k) The vehicular entrance located along Tidewater Drive closest to the intersection with Stanley Street shall be closed in accordance with the right-of-way standards of the Department of Public Works.
- (l) No business license shall be issued for any business on the property until condition (k), above, has been complied with in its entirety.

Section 3:- That the City Council hereby determines that the Special Exception granted herein complies with each of the requirements of § 25-7 of the Zoning Ordinance of the City of Norfolk, 1992 (as amended), namely that:

- (a) The proposed use and development will be in harmony with the objectives and policies of the adopted general plan and with the general and specific purposes for which this ordinance was enacted and for which the regulations of the district in question were established;
- (b) The proposed use and development will not substantially diminish or impair the value of the property within the neighborhood in which it is located;
- (c) The proposed use and development will not have an adverse effect upon the character of the area or the public health, safety and general welfare. Conditions may be applied to the proposed use and development, as specified in section 25-8 below, to mitigate potential adverse impacts;
- (d) The proposed use and development will be constructed, arranged and operated so as not to

interfere with the use and development of neighboring property in accordance with the applicable district regulations;

- (e) The proposed use and development will be served adequately by essential public facilities and services such as streets, public utilities, drainage structures, police and fire protection, refuse disposal, parks, libraries, and schools;
- (f) The proposed use and development will not cause undue traffic congestion nor draw significant amounts of traffic through residential streets;
- (g) The proposed use and development will not result in the destruction, loss or damage of natural, scenic or historic features of significant importance;
- (h) The proposed use and development will not cause substantial air, water, soil or noise pollution or other types of pollution which cannot be mitigated;
- (i) The proposed use and development will not cause a negative cumulative effect, when its effect is considered in conjunction with the cumulative effect of various special exception uses of all types on the immediate neighborhood and the effect of the proposed type of special exception use on the city as a whole;
- (j) The proposed use and development complies with all additional standards imposed on it by the particular provisions of the ordinance authorizing such use; and
- (k) No application for a special exception shall be recommended or granted until any and all delinquent real estate taxes owed to the City of Norfolk on the subject property have been paid.

Section 4:- That this ordinance shall be in effect from the date of its adoption.

ATTACHMENT:

Exhibit A (2 pages)



EXHIBIT "A"
Description of Operations
Off-Premises Sale of Alcoholic Beverage

Date of Application: 2/6/2014
Name of business: Tidewater Seafood LLC
Address of business: 7483 Tidewater Drive
Name(s) of business owner(s)*: Jon Williams
Name(s) of property owner(s)*: Angelo Ciocca
Name(s) of business manager(s)/operator(s): Dennis George
Daytime telephone number (207): 286-5728

*If business or property owner is partnership, all partners must be listed.

*If business or property owner is an LLC or Corporation, all principals must be listed.

1. Proposed Hours of Operation:

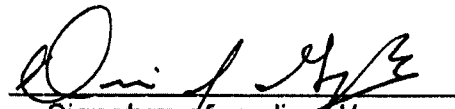
Facility	Alcoholic Beverage Sales
Weekday From <u>8 AM</u> To <u>6 PM</u>	Weekday From <u>8 AM</u> To <u>6 PM</u>
Friday From <u>8 AM</u> To <u>6 PM</u>	Friday From <u>8 AM</u> To <u>6 PM</u>
Saturday From <u>8 AM</u> To <u>6 PM</u>	Saturday From <u>8 AM</u> To <u>6 PM</u>
Sunday From <u>8 AM</u> To <u>6 PM</u>	Sunday From <u>8 AM</u> To <u>6 PM</u>

2. Type of alcoholic beverage applied for:
☒ Beer ☒ Wine ☐ Mixed Beverage

3. Alcoholic beverages to be sold:
☒ Room temperature ☒ Refrigerated

4. As a general rule, the City does not approve selling beer in a single-sized serving container or selling wine in a bottle that is less than 375 milliliters. If you are seeking approval to sell servings that do not meet these criteria, please explain your justification as well as indicate what sizes you would sell:

N/A


Signature of applicant/owner

Tidewater Seafood is our first location.
we believe we will need a staff of up to 15,
4 to 5 will be full time.

We will be operating a Seafood Retail Market
providing customers with fresh & frozen Seafood,
live Crabs & lobster, which we will be offering
to boil for our customers to bring home

Tidewater Seafood, LLC
Sale of Alcoholic Beverages for Off-Premises Consumption - Conditions

- (a) The hours of operation for the sale of alcoholic beverages for off-premises consumption shall be from 8:00 a.m. until 6:00 p.m. seven days a week.
- (b) This special exception shall terminate in the event of a change in ownership of the establishment and may be revoked in the event of a change in the operation of the establishment as described in the Description of Operations set forth in "Exhibit A," attached hereto, provided that no termination in the event of a change in ownership of the establishment shall be effective until 120 days after the change or until a new special exception is granted showing the new owner, whichever is earlier.
- (c) No alcoholic beverages other than those defined as "beer," "wine," "wine cooler," or "low alcohol beverage cooler," as defined by state law, shall be sold.
- (d) No alcoholic beverage having more than 21% alcohol by volume shall be sold.
- (e) No beer shall be sold in any package containing fewer than six (6) bottles or cans and no wine shall be sold in containers less than 375 ml each.
- (f) The business authorized by this Special Exception shall be conducted in accordance with the Description of Operations set forth in "Exhibit A," attached hereto. The representations made in "Exhibit A" shall be binding upon all owners, operators and managers who operate and/or manage the premises covered by this Special Exception. Should any owner, operator or manager desire to operate the business in a manner different than as represented in "Exhibit A," a new Special Exception must be obtained prior to any such change. Where any limitation or representation contained in "Exhibit A" is inconsistent with any condition of this ordinance, the conditions of this ordinance shall govern.
- (g) Any requirements, limitations or restrictions imposed by the Virginia ABC Commission or by any provision of Virginia law upon this establishment which are more stringent than the requirements of this Special Exception shall be effective and binding. Any violation of such limitation requirement or

restriction imposed by the ABC Commission shall be deemed a violation of this Special Exception. The Special Exception may be revoked for any violation of a general or specific condition, including a condition incorporated by reference and including a condition arising from limitations, requirements of restrictions imposed by the ABC Commission or by State law.

- (h) A copy of this Adult Use Special Exception ordinance and "Exhibit A" (including the floor plan) shall be available on site at all times for inspection, and a notice indicating that this Adult Use Special Exception ordinance and all amendments are kept on the premises and are available for review by any member of the general public shall be posted in a visible location. The notice shall also contain information on where and how to report violations of conditions and shall include the address of the zoning administrator.
- (i) At all times, all temporary window signage must comply with the applicable regulations of Chapter 16 of the Zoning Ordinance of the City of Norfolk, 1992 (as amended), entitled "Signs."
- (j) The driveway on Tidewater Drive closest to its intersection with Stanley Street shall be closed in compliance with Department of Public Works standards.
- (k) No business license shall be issued until condition (j) above has been completed.

Location Map

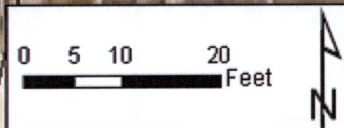


STANLEY STREET

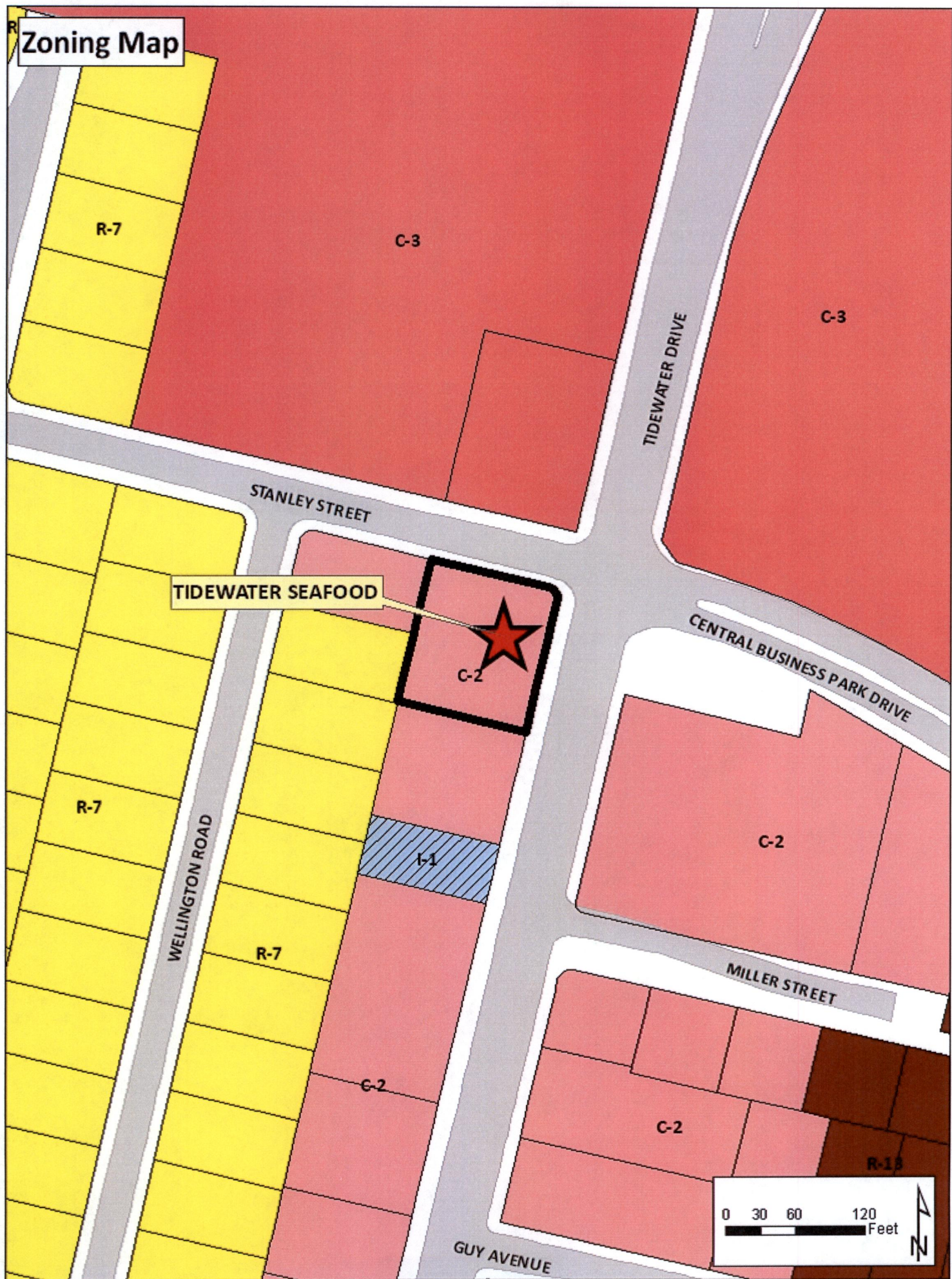
TIDEWATER SEAFOOD

TACOS

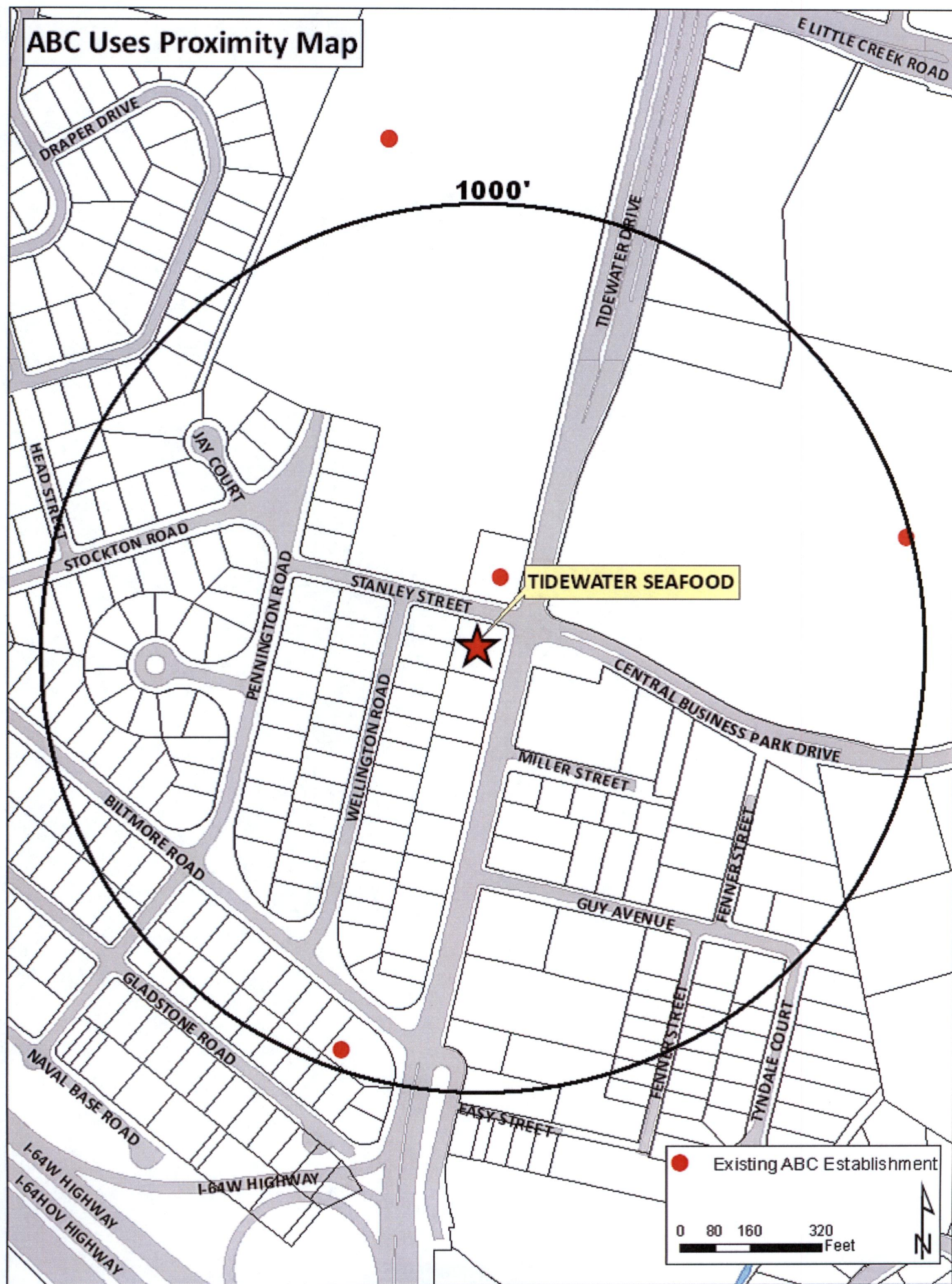
TACOS



Zoning Map



ABC Uses Proximity Map





**APPLICATION
ADULT USE SPECIAL EXCEPTION
ALCOHOLIC BEVERAGES FOR OFF-PREMISES CONSUMPTION**

Date of Application: 2/6/2014

DESCRIPTION OF PROPERTY

Property location: (Street Number) 7483 (Street Name) Tidewater Drive

Existing Use of Property restaurant

Current Building Square Footage 2350

Proposed Use Retail Seafood Market

Proposed Building Square Footage 2350

Trade Name of Business (If applicable) Tidewater Seafood LLC

APPLICANT/PROPERTY OWNER

1. Name of applicant: (Last) Williams (First) Jon (MI) _____

Mailing address of applicant (Street/P.O. Box): 132 Herman Melville Blvd

(City) New Bedford (State) MA (Zip Code) 02740

Daytime telephone number of applicant (308) 951-4788 Fax number () _____

E-mail address of applicant: jwilliams@atlanticredcrab.com

2. Name of property owner: (Last) ~~Fate~~ Tait (First) James (MI) _____

Mailing address of property owner (Street/P.O. box): 2228 North Lakeside Dr.

(City) Virginia Beach (State) VA (Zip Code) 23454

Daytime telephone number of owner (757) 481-5137 Fax number () _____

DEPARTMENT OF PLANNING & COMMUNITY DEVELOPMENT

810 Union Street, Room 508

Norfolk, Virginia 23510

Telephone (757) 664-4752 Fax (757) 441-1569

CIVIC LEAGUE INFORMATION

Civic League contact: Kathryn Hedson

Date(s) contacted: 2/3/2014

Ward/Super Ward information: Cottage Road Park Civic League

REQUIRED ATTACHMENTS:

- || Required application fee, **\$355.00** (if check, make payable to Norfolk City Treasurer).
 - o Application fee includes a non-refundable \$5 technology surcharge.
- || Two 8½ inch X 14 inch copies of a survey or site plan (required for new construction or site improvements) drawn to scale showing:
 - o All existing and proposed structures,
 - o Driveways,
 - o Parking,
 - o Landscaping,
 - o Property lines (see attached example).
- || Two 8½ inch X 14 inch copies of a floor plan drawn to scale showing where cold and/or room temperature alcoholic beverages will be sold. (see attached example).
- || Completed Exhibit A, Description of Operations (attached).
- || Please provide a brief description of the business (i.e., # of employees, current locations, type of restaurant, etc...).

CERTIFICATION:

I hereby submit this complete application and certify the information contained herein is true and accurate to the best of my knowledge:

Print name: James ~~Tait~~ Tait Sign: James Tait 2/2/2014
(Property Owner or Authorized Agent Signature) (Date)

Print name: Dennis J. George Sign: Dennis J. George 2/2/2014
(Applicant or Authorized Agent Signature) (Date)



EXHIBIT "A"

Description of Operations

Off-Premises Sale of Alcoholic Beverage

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Daytime telephone number (207): 286-5728

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1. Proposed Hours of Operation:

<u>Facility</u>		<u>Alcoholic Beverage Sales</u>	
Weekday	From <u>8 AM</u> To <u>6 PM</u>	Weekday	From <u>8 AM</u> To <u>6 PM</u>
Friday	From <u>8 AM</u> To <u>6 PM</u>	Friday	From <u>8 AM</u> To <u>6 PM</u>
Saturday	From <u>8 AM</u> To <u>6 PM</u>	Saturday	From <u>8 AM</u> To <u>6 PM</u>
Sunday	From <u>8 AM</u> To <u>6 PM</u>	Sunday	From <u>8 AM</u> To <u>6 PM</u>

2. Type of alcoholic beverage applied for:

☒ Beer ☒ Wine ☐ Mixed Beverage

3. Alcoholic beverages to be sold:

☒ Room temperature ☒ Refrigerated

DEPARTMENT OF PLANNING & COMMUNITY DEVELOPMENT

810 Union Street, Room 508

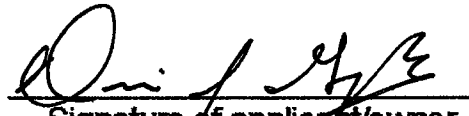
Norfolk, Virginia 23510

Telephone (757) 664-4752 Fax (757) 441-1569

(Revised July 2013)

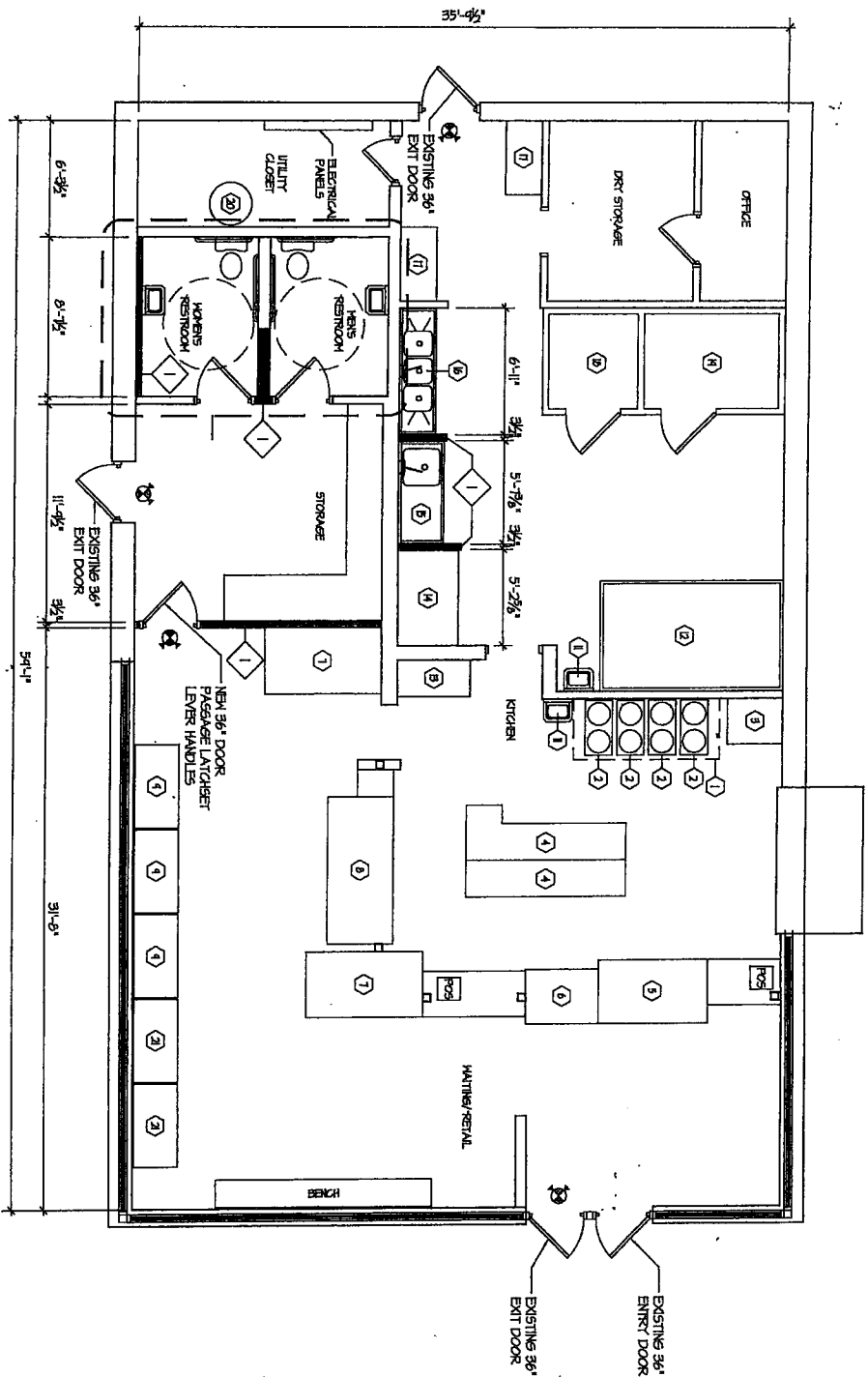
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N/A


Signature of applicant/owner

Tidewater Seafood is our first location.
we believe we will need a staff of up to 15,
4 to 5 will be full time.

We will be operating a Seafood Retail Market
providing customers with fresh & frozen Seafood,
live Crabs & lobster, which we will be offering
to boil for our customers to bring home



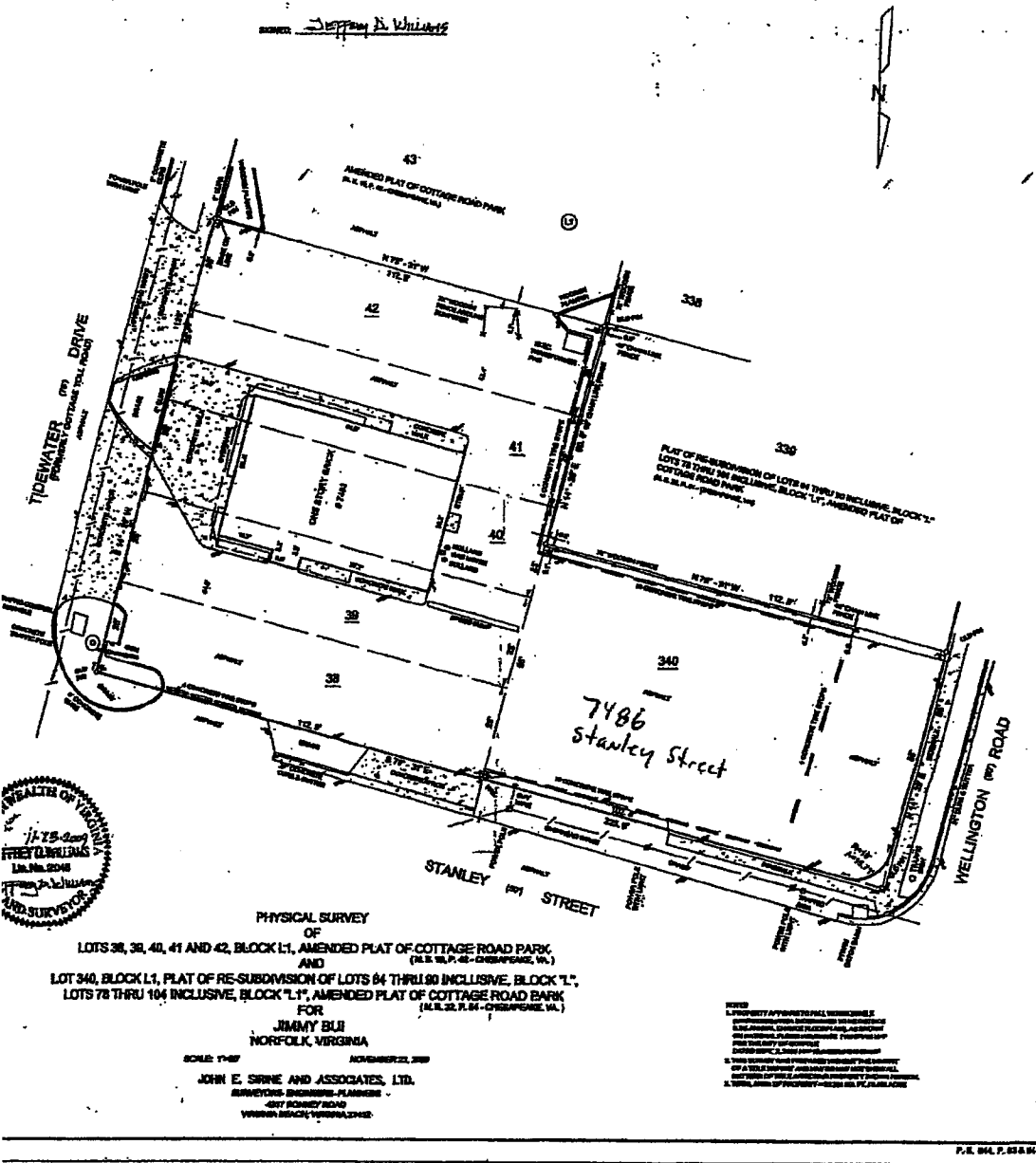
WORK	EQUIPMENT
1	EXISTING 8'-0" EXHAUST HOOD
2	CRAB LOBSTER BOILERS
3	36" STAINLESS STEEL WORK TABLE
4	STAINLESS STEEL WORK TABLE
5	12" X 42" LIVE CRAB TANK
6	48" X 36" LIVE LOBSTER TANK
7	18" X 48" ICE SHOWCASE
8	65" X 44" SHOWCASE
9	5'-0" X 2'-0" 2 DOOR REACH-IN FREEZER
10	48" STAINLESS STEEL TABLE
11	HAND SINK
12	6' X 12' CRAB HOLDING TANK
13	48" STAINLESS STEEL TABLE
14	62" X 40" ICE MACHINE
15	66" X 30" SHELLFISH WASHING SINK
16	3 COMPARTMENT SINK WITH INDIRECT DRAIN
17	HERO STORAGE SHELF
18	REACH-IN FREEZER
19	WALK-IN COOLER
20	60" WATER HEATER

EXISTING PLUMBING NOTES:
 1. FIXTURES REGARDING HOT AND COLD WATER
 2. FIVE SINKS EXCEPT HANDSINKS TO HUB DRAIN
 WITH AIR GAP

TIDEMATER SEAFOOD: 7483 TIDEMATER DRIVE, NORFOLK, VA 23505
 1/8" = 1'-0"

THIS IS TO CERTIFY THAT, ON NOVEMBER 22, 2008, SURVEYED THE PROPERTY SHOWN ON THIS PLAT AND
 AT THE TITLE LANDS AND THE BOUNDS OF THE BUILDINGS ARE AS SHOWN ON THIS PLAT.
 THE BUILDINGS STAND EXACTLY WHERE THEY WERE AND THERE ARE NO ENCROACHMENTS OF OTHER
 LOTS ON THE PROPERTY, EXCEPT AS SHOWN.

DEPOSED *Jeffrey B. Whittier*



Pollock, Susan

From: Ransom, Carlton
Sent: Tuesday, March 04, 2014 1:18 PM
To: Katzblz@aol.com
Cc: Pollock, Susan
Subject: RE: (no subject)

Ms. Ledsome,

I will pass your thoughts to the Department of Planning and Community Development. I hope all is well. Thanks.

From: Katzblz@aol.com [mailto:Katzblz@aol.com]
Sent: Tuesday, March 04, 2014 8:52 AM
To: Ransom, Carlton
Subject: (no subject)

Good Morning Ray

Another fun day in Norfolk with snow....

I don't know if you can use this info and send it on to the right person but here goes....

The new Seafood Market that is being made right now at the old Speedy's Taco on Tidewater Drive is going to have a meeting to get a alcohol licence on March 27.(I hope I've got the right date)...anyway. The neighbors and the civic league has welcomed Mr George and his project with open arms. He has kept all of us in the loop with his store. In other words. We have no problem with him getting his licence.

If this can help Mr George, please pass it along to the right person....

Have a good day .

Catherine " Kitty" Ledsome



March 5, 2014

Cottage Road Park Civic League
Katherine Ledsome
7491 Pennington Road
Norfolk, VA 23505

Dear Ms. Ledsome:

The Planning Department has received an application for a Special Exception for the Sale of Alcoholic Beverages for Off-Premises Consumption at 2350 Tidewater Drive.

This item is tentatively scheduled for the March 27, 2014 City Planning Commission public hearing.

Summary

The request, if approved, would allow Tidewater Seafood, LLC to operate a seafood market and sell beer and wine for customers to take with them.

	Proposed
Hours for the Sale of Alcoholic Beverages for Off-Premise Consumption	8:00 a.m. until 6:00 p.m., 7 Days a week

If you would like additional information on the requests, you may contact the applicant, Jon William, at (508) 951-4788 or you may telephone Susan Pollock at (757) 664-4765. A copy of the complete application is enclosed.

Sincerely,

George M. Homewood, AICP, CFM
Planning Director

Cc Ray Ransom, Senior Neighborhood Development Specialist
carlton.ransom@norfolk.gov